

109TH CONGRESS
2^D SESSION

S. 4020

To amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. DAYTON (for himself, Mr. OBAMA, Mr. DURBIN, Ms. STABENOW, Mr. DORGAN, and Mr. HARKIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Petroleum Marketing Practices Act to prohibit restrictions on the installation of renewable fuel pumps, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Renewable Fuels Pro-
5 motion Act”.

1 **SEC. 2. PROHIBITION ON RESTRICTION OF INSTALLATION**
 2 **OF RENEWABLE FUEL PUMPS.**

3 (a) IN GENERAL.—Title I of the Petroleum Mar-
 4 keting Practices Act (15 U.S.C. 2801 et seq.) is amended
 5 by adding at the end the following:

6 **“SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLA-**
 7 **TION OF RENEWABLE FUEL PUMPS.**

8 “(a) DEFINITION OF FRANCHISE-RELATED DOCU-
 9 MENT.—In this section, the term ‘franchise-related docu-
 10 ment’ means—

11 “(1) a franchise under this Act; and

12 “(2) any other contract or directive of a
 13 franchisor relating to terms or conditions of the sale
 14 of fuel by a franchisee.

15 “(b) PROHIBITIONS.—

16 “(1) IN GENERAL.—Notwithstanding any provi-
 17 sion of a franchise-related document in effect on the
 18 date of enactment of this section, no franchisee or
 19 affiliate of a franchisee shall be restricted from—

20 “(A) installing on the marketing premises
 21 of the franchisee a renewable fuel pump;

22 “(B) converting an existing tank and
 23 pump on the marketing premises of the
 24 franchisee for renewable fuel use;

1 “(C) advertising (including through the
2 use of signage or logos) the sale of any renew-
3 able fuel; or

4 “(D) selling renewable fuel in any specified
5 area on the marketing premises of the
6 franchisee (including any area in which a name
7 or logo of a franchisor or any other entity ap-
8 pears).

9 “(2) ENFORCEMENT.—Any restriction de-
10 scribed in paragraph (1) that is contained in a fran-
11 chise-related document and in effect on the date of
12 enactment of this section—

13 “(A) shall be considered to be null and
14 void as of that date; and

15 “(B) shall not be enforced under section
16 105.

17 “(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No
18 franchise-related document that requires that 3 grades of
19 gasoline be sold by the applicable franchisee shall prevent
20 the franchisee from selling a renewable fuel in lieu of 1
21 grade of gasoline.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) IN GENERAL.—Section 101(13) of the Pe-
24 troleum Marketing Practices Act (15 U.S.C.

1 2801(13)) is amended by adjusting the indentation
 2 of subparagraph (C) appropriately.

3 (2) TABLE OF CONTENTS.—The table of con-
 4 tents of the Petroleum Marketing Practices Act (15
 5 U.S.C. 2801 note) is amended—

6 (A) by inserting after the item relating to
 7 section 106 the following:

“Sec. 107. Prohibition on restriction of installation of renewable fuel pumps.”;

8 and

9 (B) by striking the item relating to section
 10 202 and inserting the following:

“Sec. 202. Automotive fuel rating testing and disclosure requirements.”.

11 **SEC. 3. REFUELING.**

12 The Energy Policy Act of 1992 is amended by insert-
 13 ing after section 304 (42 U.S.C. 13213) the following:

14 **“SEC. 304A. FEDERAL FLEET FUELING CENTERS.**

15 “(a) IN GENERAL.—Not later than January 1, 2008,
 16 the appropriate Federal agency shall install not less than
 17 1 renewable fuel pump at every Federal fleet fueling cen-
 18 ter in the United States.

19 “(b) AUTHORIZATION OF APPROPRIATIONS.—There
 20 are authorized to be appropriated such sums as are nec-
 21 essary to carry out this section.”.

22 **SEC. 4. REPORT.**

23 Not later than October 31 of each year beginning
 24 after the date of enactment of this Act, the President shall

1 submit to Congress a report that describes the progress
2 of the agencies of the Federal government (including the
3 Executive Office of the President) in complying with—

4 (a) the Energy Policy Act of 1992 (42 U.S.C. 13201
5 et seq.);

6 (b) Executive Order 13149 (65 Fed. Reg. 24595; re-
7 lating to greening the government through Federal fleet
8 and transportation efficiency); and

9 (c) the Federal fleet fueling center requirement under
10 section 304A of the Energy Policy Act of 1992 (as added
11 by section 3).

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